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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Before the Examiner:
J. Kenneth Burkus et al.	)	Jerry Cumberledge
	)	
Application Serial No. 10/804,900	)	Group Art Unit:
	)	3733
Filed: March 19, 2004	)	
	)	Attorney Ref. No.:
METHODS AND INSTRUMENTATION FOR	)	MSDI-134/PC361.18
VERTEBRAL INTERBODY FUSION	)	
	)	October 31, 2006

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
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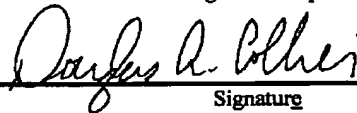
Sir:

In response to the non-final Office Action dated July 31, 2006, please enter and consider the following remarks. No fees or extensions or time are believed due for consideration of the same. However, please provide any extensions of time necessary and charge any fees which may be due to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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Response to non-final Office Action  
Application Serial No. 10/804,900  
Page 1 of 16

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**KRIEG · DEVAULT** LLP  
**ATTORNEYS AT LAW****FAX COVER PAGE**

DATE: October 31, 2006

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TO: Examiner Jerry L. Cumberledge  
COMPANY: Group Art Unit 3733FAX NUMBER: 571-273-8300  
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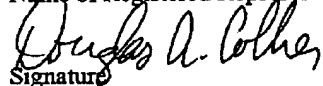
FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333

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RE: Response to Office Action for U.S. Patent Application No. 10/804,900 to J. Kenneth Burkus, et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/804,900
	Filing Date	March 19, 2004
	First Named Inventor	J. Kenneth Burkus, et al.
	Art Unit	3733
	Examiner Name	Jerry L. Cumberlandge
	Attorney Docket Number	MSDI-134/PC361.18
Total Number of Pages in This Submission		17

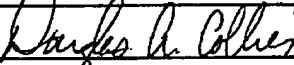
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
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Printed name	Douglas A. Collier		
Date	October 31, 2006	Reg. No.	43,556

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